



Finance Act 1993

1993 CHAPTER 34

PART II

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER III

LLOYD'S UNDERWRITERS ETC.

Supplemental

182 Regulations.

- (1) The Board may by regulations provide—
- (a) for the assessment and collection of tax charged in accordance with section 171 above^{F1} . . . ;
 - (b) for making, in the event of any changes in the rules or practice of Lloyd's, such amendments of this Chapter as appear to the Board to be expedient having regard to those changes;
 - (c) for modifying the application of this Chapter in cases where a syndicate continues after the end of its closing year or a member dies or otherwise ceases to carry on his underwriting business;
 - ^{F2}(ca)
 - (d) for giving credit for foreign tax.

^{F3}(2)

^{F3}(3)

^{F3}(4)

- (5) Regulations made, or deemed to have been made, under any of the following enactments (regulations about Lloyd's underwriters), namely—

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- (a) section 451(1) or (1A) of the Taxes Act 1988,
- (b) section 92(5) of the ^{M1}Finance Act 1989, or
- (c) section 209(4) of the Gains Tax Act,

which were in force immediately before 6th April 1992 shall continue in force for the year 1992-93 and subsequent years of assessment notwithstanding the repeal of that enactment by this Act, and shall be deemed to have been made under this section.

- [^{F4}(6) Any power to make regulations conferred by this section includes power to make—
- (a) different provision for different cases or different purposes, and
 - (b) incidental, supplemental or transitional provision and savings.]

Textual Amendments

- F1** Words in s. 182(1)(a) repealed (20.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Finance \(No. 2\) Act 2005 \(c. 22\), s. 45\(2\)\(8\)\(9\)](#), Sch. 11 Pt. 2(11); [S.I. 2005/3337, art. 3](#)
- F2** S. 182(1)(ca) repealed (31.1.2013) by [Statute Law \(Repeals\) Act 2013 \(c. 2\), s. 3\(2\)](#), [Sch. 1 Pt. 10](#) Group 1
- F3** S. 182(2)-(4) repealed (3.5.1994 with effect for the year 1997-98 and subsequent years of assessment) by [1994 c. 9, ss. 228, 258](#), [Sch. 21 para. 7](#), [Sch. 26 Pt. V\(25\)](#) Note 4
- F4** S. 182(6) inserted (20.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Finance \(No. 2\) Act 2005 \(c. 22\), s. 45\(3\)\(8\)\(9\)](#); [S.I. 2005/3337, art. 3](#)

Marginal Citations

- M1** [1989 c. 26](#).

183 Consequential amendments.

- ^{F5}(1)
- ^{F6}(2)
- ^{F7}(3)

^{F8}(4) In section 710(14) of that Act (meaning of “business” and “premiums trust fund”), for the words “section 457” there shall be substituted the words “ section 184 of the Finance Act 1993 ”.

- (5) In the following provisions (which relate to nominees, trustees etc.), namely—
 Section 720(3) of the Taxes Act 1988,
 paragraph 18(1) of Schedule 4 to that Act,
 paragraph 10(1) of Schedule 11 to the Finance Act 1989, and
 paragraph 18(1) of Schedule 10 to the ^{M2}Finance Act 1990,

the words from “his special reserve fund” to the end shall be omitted.

- (6) In the following provisions (which relate to the death of a member), namely—
 section 721(5) of the Taxes Act 1988,
 paragraph 18(8) of Schedule 4 to that Act,
 paragraph 10(6) of Schedule 11 to the Finance Act 1989, and
 paragraph 18(6) of Schedule 10 to the ^{M3}Finance Act 1990,

the words from “a special reserve fund” to the end shall be omitted.

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- (7) In section 206(2) of the Gains Tax Act (Lloyd’s underwriters), after the words “subsection (1) above” there shall be inserted the words “ and section 174(1) of the Finance Act 1993 ”.
- (8) In section 209 of that Act (interpretation, regulations about underwriters etc.)—
- (a) in subsection (1), for the words “sections 450 to 456 of the Taxes Act” there shall be substituted the words “ Chapter III of Part II of the Finance Act 1993 ” and for the words “sections 450 to 456”, in the second place where they occur, there shall be substituted the words “ that Chapter ”; and
 - (b) in subsection (6), the words “or (4)” shall be omitted.

Textual Amendments

- F5** S. 183(1) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 3 \(with Sch. 2\)](#)
- F6** S. 183(2) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 3 Pt. 1 \(with Sch. 2\)](#)
- F7** S. 183(3) repealed (3.5.1994 with effect for the year 1997-98 and subsequent years of assessment) by [1994 c. 9, ss. 228\(2\)\(c\)\(4\), 230, 258, Sch. 26 Pt. V\(25\) Note 1](#)
- F8** S. 183(4)-(8) repealed (the repeals of subsections (4)-(6) having effect for the year 1994 and subsequent underwriting years and the repeals of subsections (7)-(8) having effect for the year of assessment 1994-95 and subsequent years of assessment) by [1993 c. 34, s. 213, Sch. 23 Pt. III\(12\) Notes 2, 4.](#)

Marginal Citations

- M2** [1990 c. 29.](#)
- M3** [1990 c. 29.](#)

184 Interpretation and commencement.

- (1) In this Chapter, unless the context otherwise requires—
- “ancillary trust fund”, in relation to a member, does not include a ^{F9}premium] trust fund of his or his special reserve fund (if any) but, subject to that, means any trust fund required or authorised by the rules of Lloyd’s, or required by a members’ agent of his ^{F10}. . . ;
- “closing year”—
- (a) in relation to a year of assessment, means the year of assessment next but one following that year;
 - (b) in relation to an underwriting year, means the underwriting year next but one following that year; and
 - (c) in relation to a syndicate, means the closing year of the underwriting year for which it was formed;
- “the Gains Tax Act” means the ^{M4}Taxation of Chargeable Gains Act 1992 and “the Gains Tax Acts” means that Act and any other enactments relating to capital gains tax;
- “the High Level Stop Loss Fund” means the fund of that name which, under the rules of Lloyd’s, has been established for the year 1993 and subsequent underwriting years;
- “inspector” includes any officer of the Board;
- ^{F11}“Lloyd’s partnership” means—

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- (a) a limited partnership formed under the law of Scotland which is a member of Lloyd’s and is or has been an underwriting member, or
- (b) a limited liability partnership formed under the law of any part of the United Kingdom which is a member of Lloyd’s and is or has been an underwriting member;]

“the Management Act” means the ^{M5}Taxes Management Act 1970;

“managing agent”, in relation to a syndicate and a year of assessment, means—

- (a) the person registered as a managing agent at Lloyd’s who was acting as such an agent for the syndicate at the end of the corresponding underwriting year, or
- (b) such other person as may be determined in accordance with regulations made by the Board;

“member” [^{F12}(except in Part 1A of Schedule 20A)] means [^{F13}an individual who is a member of Lloyd’s and] is or has been an underwriting member;

“members’ agent”, in relation to a member of a syndicate and a year of assessment, means—

- (a) the person registered as a members’ agent at Lloyd’s who was acting as such an agent for the member at the end of the corresponding underwriting year, or
- (b) if two or more such persons were so acting and one of them was appointed by the member to be responsible for complying with the requirements of [^{F14}the Lloyd’s Underwriters (Tax) Regulations 2005] in relation to all of the syndicates of which he is a member, that person, or
- (c) if two or more such persons were so acting and none of them was so appointed, the person who was so acting for the member in his capacity as a member of the syndicate, or
- (d) such other person as may be determined in accordance with regulations made by the Board;

[^{F15}“premium trust fund” means a trust fund into which premiums receivable by members are paid in compliance with a trust deed under [^{F16}Rule 8.2.19 of the][^{F17}Prudential Sourcebook for Insurers made by the Prudential Regulation Authority] under the Financial Services and Markets Act 2000;]

“prescribed” means prescribed by regulations made by the Board;

“profits” includes gains;

“special reserve fund”, unless the contrary intention appears, means a special reserve fund set up under the arrangements mentioned in section 175(1) above;

“stop-loss insurance” means any insurance taken out by a member against losses in his underwriting business [^{F18}, except insurance taken out by entering a quota share contract (within the meaning of section 178 above)];

“syndicate” means a syndicate of underwriting members of Lloyd’s formed for an underwriting year;

“underwriting business”, in relation to a member, means his underwriting business as a member of Lloyd’s, whether carried on personally or through an underwriting agent, and does not include any other business carried on by him, and in particular, where he is himself an underwriting agent, does not include his business as such an agent;

“underwriting year” means the calendar year.

- (2) For the purposes of this Chapter—

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- (a) an underwriting year and a year of assessment shall be deemed to correspond to each other if the underwriting year ends in the year of assessment;
 - (b) the profits or losses of a member's underwriting business include profits or losses arising to him from assets forming part of a [^{F19}premium] trust fund or an ancillary trust fund; and
 - (c) any charge made on a member by the [^{F20}managing agent] of a syndicate of which he is a member, and any expense incurred on his behalf by the [^{F20}managing agent] of such a syndicate, shall be treated as expenses arising directly from his membership of that syndicate.
- (3) Subject to any provision to the contrary, the provisions of this Chapter have effect for the year 1992-93 and subsequent years of assessment.

Textual Amendments

- F9** S. 184(1): word in the definition of “ancillary trust fund” substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 82\(e\)](#)
- F10** Words in definition in s. 184(1) repealed (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, ss. 228, 258, Sch. 21 para. 8\(1\)\(a\), Sch. 26 Pt. V\(25\)](#) Note 6
- F11** Words in s. 184(1) inserted (19.12.2014) by [The Lloyd's Underwriters \(Conversion of Partnerships to Underwriting through Successor Companies\) \(Tax\) Regulations 2014 \(S.I. 2014/3133\), regs. 1, 4\(a\)](#)
- F12** Words in s. 184(1) inserted (19.12.2014) by [The Lloyd's Underwriters \(Conversion of Partnerships to Underwriting through Successor Companies\) \(Tax\) Regulations 2014 \(S.I. 2014/3133\), regs. 1, 4\(b\)](#)
- F13** Words in definition in s. 184(1) substituted (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, s. 228, Sch. 21 para. 8\(1\)\(b\)](#)
- F14** Words in s. 184(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 16](#)
- F15** S. 184(1): definition of “premium trust fund” substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 79](#)
- F16** Words in s. 184(1) substituted (31.12.2006) by [The Lloyds Sourcebook \(Finance Act 1993 and Finance Act 1994\) \(Amendment\) Order 2006 \(S.I. 2006/3273\), arts. 1, 2](#)
- F17** Words in s. 184(1) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/636\), art. 1\(2\), Sch. para. 3](#)
- F18** S. 184(1): words in definition of “stop-loss insurance” inserted (24.7.2002 with effect as mentioned in [s. 86\(2\)](#) of the amending Act) by [2002 c. 23, s. 86, Sch. 32 para. 5](#)
- F19** Word in s. 184(2)(b) substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 82\(e\)](#)
- F20** Words in s. 184(2)(c) substituted (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, s. 228, Sch. 21 para. 8\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 184 applied (1.5.1995 with application as mentioned in [s. 127\(19\)](#) of the amending Act) by [1995 c. 4, s. 127\(16\)\(b\)\(19\)](#)

Marginal Citations

- M4** [1992 c. 12.](#)
- M5** [1970 c. 9.](#)

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